

Appi SN 10/565716  
Response to Office Action dated May 27, 2009

### REMARKS

Favorable reconsideration of this application is requested. Claims 23-31 remain pending in the application.

Claims 23-31 were rejected as obvious over US 6,989,289 (Shiraishi) in view of US 7,099,146 (Kobayashi). Applicants respectfully traverse this rejection. The Kobayashi patent issued from the national stage of a PCT application that was published in Japanese. As such, the reference has no status under 35 USC 102(e). The earliest effective prior art date for the reference would be the earliest publication date. The PCT application was published on February 26, 2004 as WO2004/017344. The underlying Japanese priority applications could have been published no earlier than January 26, 2004 (18 months from the July 26, 2002 filing date in Japan). These dates are subsequent to the July 31, 2003 filing date of the present application's JP 2003-204299 priority application. A verified translation of that priority application is filed herewith. Since Kobayashi is not available as prior art against the present application, the rejection should be withdrawn.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300 at (612) 455-3804.



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Respectfully submitted,

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